

RESOLUTION NO. 08- 18

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY FINDING THE ANNEXATION OF SPECIFIED PROPERTY WILL NOT HINDER OR PREVENT THE PROPER GROWTH AND DEVELOPMENT OF THE AREA OR ANY OTHER INCORPORATED CITY WITHIN DOUGLAS COUNTY, KANSAS

WHEREAS, on April 15, 2008, the City of Lawrence, Kansas (the "City"), pursuant to K.S.A. 12-520c, adopted Resolution No. 6764 (the "City Resolution") requesting that the Board of County Commissioners of Douglas County, Kansas (the "Board") find and determine that the annexation of the following described property into the City of Lawrence will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within Douglas County (the "County"):

The Southeast Quarter of Section 18, Township 12, Range 19 East, and all the public road right-of-way and easement adjacent thereto (the "Property").

WHEREAS, the City Clerk of the City of Lawrence certified and delivered the City Resolution to the Board on April 16, 2008.

WHEREAS, on May 14, 2008, the Board met in regular session to consider the City Resolution.

WHEREAS, upon hearing statements of all interested parties and considering all documents presented in connection with the City Resolution, a majority of the Board adopts this Resolution.

NOW THEREFORE, the Board of County Commissioners of Douglas County, Kansas, sitting in regular session this 21st day of May, 2008, does hereby resolve as follows:

1. After consideration of the documents that were presented and the statements of all interested parties, the Board makes the following findings:
 - a. The written materials and oral testimonies received by the Board prior to and during its May 14, 2008 meeting, in the aggregate, constitute sufficient information about the matter to enable the Board to adopt this Resolution.
 - b. The City and County are experiencing a shortage of available industrial space, which shortage is causing potential new industrial businesses to locate in other communities, thereby preventing the County from realizing increases in its tax base.
 - c. In December 2007, the Lawrence/Douglas County Planning Commission found that the Property was appropriate for industrial uses and recommended industrial uses to the Board of County Commissioners on a 7-2 vote.

d. On February 12, 2008, the Lawrence City Commission considered annexing the subject property and referred consideration of the annexation to the Lawrence/Douglas County Planning Commission.

e. On March 26, 2008, the Lawrence/Douglas County Planning Commission, on a 6-2 vote, recommended approval of the annexation of the Property based on the provisions of proposed Chapter Seven to *Horizon 2020*, that identify the need for expanded industrial locations to produce an additional 20,000 jobs by calendar year 2020 and based on the growth management recommendations of Chapter Four of *Horizon 2020*, that provides for annexations outside of the urban growth area.

f. On April 15, 2008, the Lawrence City Commission adopted the City Resolution, requesting the Board to make findings and determine whether the annexation of the Property would hinder or prevent the proper growth and development of the area or any other incorporated city located within the County.

g. The Property has been specifically identified as a suitable industrial site by the Lawrence/Douglas County Planning Staff, the Lawrence/Douglas County Planning Commission, the *ECO*² Commission, and in such documents as *Transportation 2030*, proposed Chapter Seven revision to *Horizon 2020*, and the draft K-10 and Farmer's Turnpike Plan. It has outstanding access to the Kansas Turnpike/I-70, K-10, U.S. 40, U.S. 59 and U.S. 56. It is located on an arterial street (County Route 438) and the terminus of the freeway that extends north beyond the terminus of K-10 (E850 Rd.) and is near an interchange of the Kansas Turnpike/I-70.

h. The reason for the proposed annexation is to construct an industrial park, which will help mitigate the shortage of available industrial space.

i. The owners of the Property, as developers, cannot reasonably identify the specific uses within the future industrial park, as such uses will be dictated by the demands of future businesses that elect to purchase or lease all or some portion of the Property; however, they do anticipate an initial warehouse distribution.

j. The potential future uses of the Property may include all uses permitted within the industrial zoning classifications and the Development Code of the City.

k. The use of the Property as an industrial park does not conflict with any other established development plan for the area.

l. The Development Code of the City, which would govern if the Property is annexed, provides greater protection to the landowners adjacent to the property than the County Zoning Regulations. For instance, the Development Code of the City provides more comprehensive regulation of items such as storm water drainage, lighting, noise, landscaping, and building setbacks.

m. The City Council of the City of Lecompton, Kansas has knowledge of the City Resolution and has not objected to the proposed annexation as hindering or preventing the City of Lecompton's proper growth and development.

n. The adverse financial impact of the proposed annexation to Lecompton Township and Douglas County Fire District No. 1 is miniscule; the approximate response time for City fire protection services is not markedly different than current response time for Douglas County Fire District No. 1.


2. The Board finds and determines that the annexation of the Property by the City will not hinder or prevent the proper growth and development of the area, or that of any other incorporated city located within the County, all as provided by K.S.A. 12-520c.

3. This is a regular Resolution of the Board and is effective upon its adoption.

This Board of County Commissioners of Douglas County, Kansas adopted this Resolution on the 21st day of May, 2008.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS:


Bob Johnson, Chair


Jere McElhaney, Member

Dissenting 
Charles Jones, Member

ATTEST:


Jameson D. Shew, County Clerk